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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,562	12/15/2000	John K. Solheim	59234-0017	3683

7590 06/27/2005

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EXAMINER

NGUYEN, NGA B

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/738,562

Applicant(s)

SOLHEIM, JOHN K.

Examiner

Nga B. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/23/01; 4/26/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is the answer to the Amendment filed on January 3, 2005, which paper has been placed of record in the file.
2. Claims 14-17 have been added. Claims 1-17 are pending in this application.

Response to Arguments/Amendment

3. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of new grounds of rejection.
4. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong, U.S. Patent No. 6,115,690.

Regarding to claim 1, Wong discloses a method of selling factory authorized services for goods sold to a purchaser by a seller through an on-line purchasing comprising:

displaying on a client system of a purchaser, information identifying an item being sold (figures 5A-5D and column 13, lines 9-45; displaying product list on the Web interface of the computer system of a purchaser);

displaying in conjunction with said information identifying said item being sold, an option for the purchaser to request factory authorized services for said item being sold (figures 7B-2, 7B-3, 7C-1, 7C-2 and column 13, line 45-column 14, line 15; displaying an option for the purchaser to request installation service for the item being sold);

in response to an input from the client system of the purchaser indicating that factory authorized services are desired, electronically providing to the client system of the purchaser a request to provide information specifying the services required (figures

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7B-2, 7B-3, 7C-1, 7C-2 and column 14, lines 6-11; providing to the computer system of the purchaser via the web interface to specify the installation instructions);

if the purchaser has requested factory authorized services, electronically providing to the client system of the seller directions to ship the item being sold to a factory authorized service facility (figures 66A, 66B and column 28, lines 19-30; displaying only items requiring installation or items requiring installation that have been received, that means the seller transmits only the items requiring installation to installation department); and

receiving the item being sold at the factory authorized service facility, performing the services identified by the purchaser and shipping the item being sold to the purchaser (figure 66C and column 28, lines 31-41; receiving the item at the installation department, performing the installation, when the installation is completed successfully, releasing for shipment).

Wong does not disclose the goods sold to the bidder by a seller through an on-line auction and determining the successful bidder for the item being auctioned. However, it is well known in the art to sell items to the bidder by a seller through an on-line auction and determining the successful bidder for the item being auctioned is also well known in the art of on-line auction. For example, there exist many different auction websites (e.g. eBay, uBid, yahoo, etc.) allow the bidders to bid for items over the Internet, the successful bidder who submits the highest price wins the auction. Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of Wong by auctioning the items to the purchaser, allowing the purchaser to bid

on the items, for the purpose of providing the competition among purchasers in order to sell the items with highest possible price.

Regarding to claim 2, Wong discloses receiving at a host system the information specifying the services required; electronically providing to the client system of the purchaser a cost estimate for the services required (figure 8A, see "Sub-Total, Installation", and column 25, lines 45-48; installation charges are automatically added to the quote).

Regarding to claim 3, Wong discloses storing a unique indicator for the purchaser requesting factory services indicating that the purchaser has requested factory services (column 25, lines 8-18 and column 26, lines 33-45; MWS contains all of the information related to an order, each MWS is assigned a unique MWS number).

Regarding to claim 4, Wong discloses storing information specifying the factory services requested in a storage device separate from the unique indicator for the purchaser requesting factory services (column 28, lines 19-30; only the items requiring installation are displayed at the installation department).

Regarding to claim 5, Wong discloses receiving address information from the purchaser; and providing a referral to a local dealer for factory authorized services (figures 7A-3, 7B-1 and column 28, lines 30-55; receiving address information from the purchaser and providing shipping instruction in order to ship the item after installation completed).

Regarding to claims 6, 8, Wong does not disclose the step of storing is by means of a cookie on the client system of the purchaser. However, storing the information in

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the cookie on the client system of the purchaser is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of Wong to include the feature above for the purpose of providing more convenient and time consuming in retrieving information because it eliminates the need for the purchaser to re-enter the information.

Claim 7 contains the same limitations of claims 1 and 3 above, therefore, are rejected by the same rationale.

Regarding to claim 9, Wong discloses the step of storing is a host server of an on-line auction (column 4, lines 25-52; storing in the DBMS of the web server).

Regarding to claims 10-11, Wong discloses wherein:

in response to said input from the client system of the purchaser indicating that factory authorized services are desired, electronically providing the client system of the purchaser a request for information concerning the serial number of said item being sold and the type of factory services desired (figures 6A, 7A-1, 7B-2, 7B-3, 7C-1, 7C-2 and column 14, lines 6-11; providing to the computer system of the purchaser via the web interface to specify the installation instructions);

transmitting said information to a web server of a merchant offering said factory authorized services (column 4, lines 25-52; storing in the DBMS of the web server);

determining, based upon said information, whether the factory authorized services desired are feasible and an estimate of the cost of such factory services; and transmitting the results of said determination and said estimate of cost to the client system of the purchaser (column 25, lines 45-48 and column 28, lines 30-41).

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Wong does not disclose the item being auctioned is a golf club. However, auctioning a golf club through an on-line auction is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to include a golf club in the goods to be auctioned in the modified system of Wong for the purpose of providing the competition among purchasers in order to sell the golf club with highest possible price.

Regarding to claim 12, Wong discloses wherein said request for information is an electronic form (figures 7B-2, 7B-3, 7C-1, 7C-2 and column 14, lines 6-11; providing to the computer system of the purchaser via the web interface to specify the installation instructions).

Regarding to claim 13, Wong discloses receiving and inspecting the item being sold (column 28, lines 30-41); and releasing funds to the seller once the inspection has been satisfactorily completed (column 33, lines 15-65).

Regarding to claims 14 and 15, Wong does not disclose wherein the factory authorized services are sold by a third party unrelated to the seller. However, it is well known in the art for a third party unrelated to the seller to sell wherein the factory authorized services to the buyer. Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of Wong modified above for the purpose of maximizing the profit for the third party.

Regarding to claims 16 and 17, Wong discloses wherein the factory authorized services comprises one of providing certificates of authenticity, repair, adjustment, refurbishment and customization (figures 7B-2, 7B-3, 7C-1, 7C-2 and column 13, line

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45-column 14, line 15; displaying an option for the purchaser to request installation service for the item being sold).

Conclusion

7. Claims 1-17 are rejected.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (517) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (571) 272-6799.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

C/o Technology Center 3600

Washington, DC 20231

Or faxed to:

(703) 872-9306 (for formal communication intended for entry),

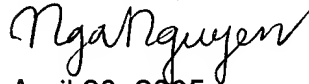
or

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(571) 273-0325 (for informal or draft communication, please label
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox building, 401 Dulany
Street, Alexandria, VA, First Floor (Receptionist).

Nga B. Nguyen

A handwritten signature in black ink, appearing to read "Nga B. Nguyen", written in a cursive style.

April 20, 2005